

IN THE SENATE

SENATE BILL NO. 1146

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PUBLIC HOUSING PROTECTION ACT; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 55, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR THE TERMINATION OF TENANCY, TO PROVIDE FOR NOTICE AND FOR PROCEDURE, TO PROVIDE FOR JURISDICTION AND TO PROVIDE FOR THE ADOPTION OF LOCAL ORDINANCES OR RESOLUTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 12, Title 55, Idaho Code, and to read as follows:

CHAPTER 12  
PUBLIC HOUSING PROTECTION ACT

55-1201. SHORT TITLE. This chapter shall be known and may be cited as the "Public Housing Protection Act."

55-1202. DEFINITIONS. As used in this chapter:

(1) "Guest" means a person, or group of people, invited to visit the public housing premises by the tenant or a resident family member, whether or not the tenant is present or knows, or has reason to know, the guest is engaging in criminal activity.

(2) "Public housing" means any housing provided by a public housing agency, nonprofit or for-profit organization, or individual that uses or accepts federal or state funds, including federal loans, for the purpose of providing free, reduced or subsidized housing to low-income individuals or families.

(3) "Public housing agency" means any agency, authority or independent public body corporate and politic that owns or provides public housing in Idaho.

(4) "Resident family member" means a spouse, parent, brother or sister or child of that person, an individual whom that person stands in loco parentis, or any other person living in the household of that person, whether or not they are related by blood or marriage, and whether or not that person is specified in the public housing lease agreement.

(5) "Tenant" means any individual, family or group of individuals, who enter into an agreement to lease public housing as a place of residence.

55-1203. TERMINATION OF TENANCY. (1) A public housing provider may evict a tenant when a tenant, resident family member or guest engages in any criminal activity as defined in paragraphs (a) through (d) of this subsection, or whose actions are counter to the public housing provider's

1 requirement to maintain the public housing premises in a decent, safe and  
 2 sanitary condition. There is material breach and cause for termination of  
 3 the lease agreement when the public housing provider shows, by a preponder-  
 4 ance of the evidence, that:

5 (a) The tenant, resident family member or guest engages in any activ-  
 6 ity, on or off the public housing premises, that intimidates or seri-  
 7 ously threatens:

8 (i) The health, safety or rights of other tenants; or

9 (ii) The public housing staff or other persons lawfully accessing  
 10 the public housing premises;

11 (b) The tenant, a resident family member or guest engages in any drug-  
 12 related criminal activity on or off the public housing premises;

13 (c) The tenant, a resident family member or guest engages in any of the  
 14 following acts on or off the public housing premises:

15 (i) Illegal possession or discharge of a firearm as defined in  
 16 chapter 33, title 18, Idaho Code;

17 (ii) Murder, as defined by section 18-4001, Idaho Code;

18 (iii) Arrest for a pattern of criminal gang activity as defined by  
 19 section 18-8502, Idaho Code;

20 (iv) Malicious harassment as defined by section 18-7902, Idaho  
 21 Code;

22 (v) A sex offense as defined in chapter 66, title 18, Idaho Code;  
 23 or

24 (vi) Disturbing the peace as defined by section 18-6410, Idaho  
 25 Code;

26 (d) The tenant knowingly provides false statements about any of the  
 27 following on an application for public housing, the lease agreement or  
 28 during the term of tenancy:

29 (i) The number of occupants living in a dwelling unit;

30 (ii) Tenant and household income;

31 (iii) Social security or personal identification numbers;

32 (iv) Prior evictions from public housing; or

33 (v) Current employment; or

34 (e) The tenant, resident family member or guest violates a material  
 35 term of the lease agreement.

36 (2) The tenant cannot use an affirmative defense or be excused from  
 37 contractual responsibilities by arguing that the tenant did not know, could  
 38 not foresee or could not control the behavior of a resident family member or  
 39 guest.

40 55-1204. NOTICE AND PROCEDURE. (1) The public housing provider may  
 41 evict a tenant under the provisions of this chapter within thirty (30) days  
 42 of written notification.

43 (2) Nonpayment of rent is subject to the requirements of chapter 3, ti-  
 44 tle 6, Idaho Code.

45 (3) All services and notices pursuant to this chapter must be done in  
 46 accordance with the provisions of section 6-304, Idaho Code.

47 55-1205. JURISDICTION. The district court of the county in which the  
 48 public housing property, or some part of it, is situated has jurisdiction

1 of proceedings pursuant to this chapter. The court shall schedule a trial  
2 within one hundred twenty (120) days from the filing of the complaint and the  
3 service of the summons.

4 55-1206. ADOPTION OF LOCAL ORDINANCES OR RESOLUTIONS. This chapter  
5 does not prevent any county, city or other political subdivision from adopt-  
6 ing and enforcing ordinances or resolutions consistent with this chapter  
7 relating to public housing.